IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE THOTTATHIL B.RADHAKRISHNAN

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

OP.No. 23175 of 2000(H)

PETITIONER:

DR. V.T. MICHAEL,
CIVIL SURGEON,
"WOMEN & CHILDREN HOSPITAL"
THYCAUDU, THIRUVANANTHAPURAM.

BY ADV. SRI.G.SASIDHARAN CHEMPAZHANTHIYIL,
ADV. SRI.PEARLY JOSE,
ADV. SRI.S.VISHNU.

RESPONDENTS:
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1. **DIRECTOR OF HEALTH SERVICES, TRIVANDRUM.**

2. **SECRETARY TO THE GOVT. PERSONNEL & ADMINISTRATIVE REFORMS, DEPARTMENT, SECRETARIAT, TRIVANDRUM.**

3. **STATE OF KERALA, REP. BY ITS SECRETARY, HEALTH & FAMILY WELFARE (A) DEPARTMENT, TRIVANDRUM.**

BY GOVERNMENT PLEADER SMT. T.B. RAMANI.

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 13/09/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P. NO. 39075/2000 IN O.P. NO. 23175/2000

DISMISSED

13/09/2007. **SD/- THOTTATHIL B.RADHAKRISHNAN, JUDGE.**

//TRUE COPY//

P.S. TO JUDGE.

prv.

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.23175 of 2000-H

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Dated this the 13th day of September, 2007.

JUDGMENT

The petitioner, then in Government service, applied for correction of his date of birth in the SSLC book. On that being granted, he applied for correction of date of birth in the service records. That was summarily rejected. Noticing that such rejection was not on the basis of Ext.P6, petitioner has filed this writ petition contending that Ext.P6 was not brought to the notice of the petitioner by circulation and the publication in the Government Gazette is insufficient to legally sustain Ext.P6.

The petitioner's entitlement for correction of date of birth in the service book could have been done only if the application was made in terms of Ext.P6. There can be no

dispute on this issue at this point of time, particularly after the decision of the Apex Court in **State of U.P. v. Gulaichi** [2003 3 KLT SN 48 (Case No.68) SC] and different decisions of this Court, on the issue. Under such circumstances, the writ petition fails. Dismissed.

THOTTATHIL B. RADHAKRISHNAN,
JUDGE.

Sha/-

THOTTATHIL B. RADHAKRISHNAN, J.

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O.P.No.23175 of 2000-H

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JUDGMENT

Dated: 13th September, 2007.